



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

FACT SHEET FOR H.B. 2099

developmental disabilities; terminology; settings

Purpose

Modifies statutes and terminology relating to the Department of Economic Security's program for persons with developmental disabilities.

Background

The Department of Economic Security (DES) provides an array of services for low-income households and others in need. These services are provided through the following divisions: 1) Administration; 2) Developmental Disabilities; 3) Benefits and Medical Eligibility; 4) Child Support Enforcement; 5) Aging and Community Services; and 6) Employment and Rehabilitation Services.

The DES Division of Developmental Disabilities (Division) provides services to individuals with cognitive disabilities, cerebral palsy, autism or epilepsy. As of March 2015, the Division serves 34,918 clients, which includes 27,845 clients in the Long Term Care program and 7,073 clients in the state-only portion.

Current statute defines a *secure facility* as a facility that is licensed and monitored by the Division, that is designed to provide both residential and program services within the facility and that is operated to prevent clients from leaving because of the danger they may present to themselves and the community. The Division is required to annually evaluate the need for a secure facility, and the evaluation is required to identify those persons who are incompetent to stand trial, who are a threat to public safety and who are not in an otherwise safe and secure setting. If the Division identifies at least 25 persons who meet the aforementioned criteria, DES is required to request funding for a secure facility (A.R.S. §§ 36-551 and 36-595.03). According to DES, the number of clients with a developmental disability who meet the aforementioned criteria has never reached the amount to require the development of a secure setting.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Removes the definition of a *secure facility*, and removes references to a *secure facility* or *secure setting* throughout statute.
2. Specifies a community residential setting includes a group home operated or contracted by DES, and specifies a group home is a community residential setting that provides assessed

medically necessary services and supports to meet the needs of each resident with developmental disabilities.

3. Specifies that community residential settings are not licensed health care institutions.
4. Removes the requirement that the DES Director, as new community residential settings are developed over a period of time, reduce the clientele at Arizona training program facilities to those persons with developmental disabilities who are required to be in Arizona training program facilities because the community lacks an appropriate community residential setting that meets their individual needs or whose parents or legal guardians want them in an Arizona training program facility.
5. Renames *child developmental foster homes* to *child developmental homes* and updates the term throughout statute.
6. Clarifies an intermediate care facility for persons with an intellectual disability that is operated by the Division or private entity is not required to be licensed by the state if it is certified by the Centers for Medicare and Medicaid Services.
7. Makes technical and conforming changes.
8. Becomes effective on the general effective date.

House Action

CFA	1/13/16	DP	8-0-0-1
3 rd Read	2/9/16		58-0-2-0

Prepared by Senate Research
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